

## 21 C.J.S. Courts § 14

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### Courts

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### II. Jurisdiction of Courts

#### A. General Considerations

#### § 14. Distinctions involving courts' jurisdiction—Particular-case jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#) 2, 4

**Some courts recognize the necessity of considering whether the court also has "particular-case" jurisdiction, in addition to other broader bases of jurisdiction.**

In addition to questions of subject matter jurisdiction and personal jurisdiction, some courts recognize the necessity of considering whether the court also has "particular-case" jurisdiction, meaning the competency of the court to render a particular judgment in a particular case.<sup>1</sup> Particular-case jurisdiction may be considered a subset of subject matter jurisdiction,<sup>2</sup> and under this rule, despite the court's subject matter jurisdiction in relation to a class of actions or cases,<sup>3</sup> a court may lack authority to hear a particular case if a party fails to follow the statutory procedures for invoking the court's authority in that particular case.<sup>4</sup> Under this view, subject matter jurisdiction is question of the court's jurisdiction in "this kind of case" as opposed to "this case."<sup>5</sup> In other words, particular case jurisdiction is a matter of the narrow or limited fact situation before the court, instead of the broad general class of cases.<sup>6</sup> Notably, while subject matter jurisdiction is generally not subject to, and cannot be conferred by, the parties' consent, agreement, waiver, or estoppel,<sup>7</sup> some courts allow that "particular-case" jurisdiction is subject to waiver.<sup>8</sup> Other jurisdictions, however, do not appear to recognize a distinction for "particular-case" jurisdiction and consider the question of the court's subject matter jurisdiction as one fully encompassing the question of the court's jurisdiction to determine a particular case.<sup>9</sup>

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Footnotes

1 Ill.—[601 West 81st Street Corp. v. City of Chicago](#), 129 Ill. App. 3d 410, 84 Ill. Dec. 690, 472 N.E.2d 827 (1st Dist. 1984).

Ind.—[In re B.J.N.](#), 19 N.E.3d 765 (Ind. Ct. App. 2014).

Iowa—[Cooper v. Kirkwood Community College](#), 782 N.W.2d 160, 257 Ed. Law Rep. 454 (Iowa Ct. App. 2010).

Ky.—[Basin Energy Co. v. Howard](#), 447 S.W.3d 179 (Ky. Ct. App. 2014).

Mo.—[Iowa Steel & Wire Co., Inc. v. Sheffield Steel Corp.](#), 227 S.W.3d 549 (Mo. Ct. App. W.D. 2007).

Ohio—[Bank of Am., N.A. v. Kuchta](#), 141 Ohio St. 3d 75, 2014-Ohio-4275, 21 N.E.3d 1040 (2014).

**Question depends on particular facts**

Ky.—[Harrison v. Leach](#), 323 S.W.3d 702 (Ky. 2010).

2 Ky.—[Hisle v. Lexington-Fayette Urban County Government](#), 258 S.W.3d 422 (Ky. Ct. App. 2008).

3 Ky.—[Hisle v. Lexington-Fayette Urban County Government](#), 258 S.W.3d 422 (Ky. Ct. App. 2008).

N.Y.—[Burke v. Aspland](#), 56 A.D.3d 1001, 867 N.Y.S.2d 759 (3d Dep't 2008).

4 Iowa—[State v. Emery](#), 636 N.W.2d 116 (Iowa 2001).

5 N.Y.—[Burke v. Aspland](#), 56 A.D.3d 1001, 867 N.Y.S.2d 759 (3d Dep't 2008).

**Authority for "that particular case"**

Iowa—[Cooper v. Kirkwood Community College](#), 782 N.W.2d 160, 257 Ed. Law Rep. 454 (Iowa Ct. App. 2010).

6 Ky.—[Hisle v. Lexington-Fayette Urban County Government](#), 258 S.W.3d 422 (Ky. Ct. App. 2008).

7 § 71.

8 § 95.

9 Mich.—[People v. Lown](#), 488 Mich. 242, 794 N.W.2d 9 (2011).

Minn.—[In re Welfare of M.J.M.](#), 766 N.W.2d 360 (Minn. Ct. App. 2009).

Oklahoma—[Cactus Drilling Co. v. Hefley](#), 2012 OK CIV APP 101, 290 P.3d 284 (Div. 1 2012).

Pa.—[Step Plan Services, Inc. v. Koresko](#), 12 A.3d 401 (Pa. Super. Ct. 2010).

Tenn.—[In re Baby](#), 447 S.W.3d 807 (Tenn. 2014).

Tex.—[Geldard v. Watson](#), 214 S.W.3d 202 (Tex. App. Texarkana 2007).